

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Kenneth Taylor,)	CASE NO. 1: 09 CV 730
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	MEMORANDUM OPINION
)	AND ORDER
)	
Cavaliers Operating Co., et al.,)	
)	
Defendants.)	

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge David S. Perelman. The Report and Recommendation (Document # 16), issued on August 24, 2009, is ADOPTED by this Court. The Magistrate Judge entered an Order on July 31, 2009, permitting Plaintiff to submit a motion for leave to submit an amended complaint within 20 days “which is reflective of the June 19, 2009 ruling of Judge Nugent and conforms with the spirit of rule 8(a)(2), which means that it shall outline the plaintiff’s claims for relief without the hyperbole and argumentative averments of the initial complaint and without the exhibits and attachments thereto.” (ECF #12)

In the Report and Recommendation at issue (ECF #16) Magistrate Perelman notes that the plaintiff has failed to submit a proposed amended complaint within the twenty day period and recommends that the complaint be dismissed without prejudice and that the filing of a new complaint be conditioned upon Plaintiff’s compliance with the Court’s June 19, 2009 ruling and Rule 8(a)(2). No timely objections to the Report and Recommendation have been filed.

The Court has reviewed *de novo* the Report and Recommendation, *see Ohio Citizen*

Action v. City of Seven Hills, 35 F. Supp. 2d 575, 577 (N.D. Ohio 1999), and ADOPTS the Report and Recommendation in its entirety. Accordingly, Plaintiff's complaint is DISMISSED WITHOUT PREJUDICE. If Plaintiff chooses to file another complaint, that complaint must be compliant with this Court's ruling of June 19, 2009 and with Rule 8(a)(2). This action is terminated.

IT IS SO ORDERED.

DATED: September 11, 2009



DONALD C. NUGENT
United States District Judge